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FM AMEMBASSY TUNIS
TO RUEHC/SECSTATE WASHDC PRIORITY 4743
INFO RUCNMGH/MAGHREB COLLECTIVE PRIORITY

C O N F I D E N T I A L TUNIS 000345

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NEA/MAG (HOPKINS/HARRIS); DRL (JOHNSTONE)
LONDON AND PARIS FOR NEA WATCHER

E.O. 12958: DECL: 04/02/2018

TAGS: PHUM PGOV PREL KDEM KPAO TS
SUBJECT: JAILED TUNISIAN COMEDIAN PARDONED ON INDEPENDENCE
DAY

REF: TUNIS 169

Classified By: Ambassador Robert F. Godec for reasons 1.4 (b) and (d)

¶1. (SBU) On March 20 (Tunisian Independence Day), Tunisian President Ben Ali pardoned comedian Hedi Oula Baballah, after he served six weeks of his one-year prison term. Baballah was sentenced to prison and fined 1,000 TD (833 USD) on February 4 for possession of narcotics (Ref A), after police stopped a vehicle in which he was a passenger and allegedly found drugs and counterfeit currency. Baballah denied any knowledge of the drugs and counterfeit currency; human rights groups claimed that Baballah was the victim of a police conspiracy. These claims were based on the fact that the charges against Baballah were brought shortly after he authored a 30 minute stand-up routine spoofing President Ben Ali and the President's in-laws. Baballah still faces charges on separate counterfeiting charges.

Comment

¶2. (C) Since his release, Baballah has kept a very low profile. His pardon received extremely limited local press coverage, implying that Baballah's pardon was conditional. (Note: Many Presidential pardons are conditional. It is not unusual that one of the conditions of release is that one not discuss one's case publicly.) Also, separate counterfeiting charges that are still pending provide Baballah with an incentive to lay low. Even if Baballah's counterfeiting case is eventually dismissed, Tunisian prosecutors have the ability to unilaterally appeal almost any case weeks or years later, even if the defendant was originally found not guilty and the plaintiff has no interest in pursuing the case.

¶3. (C) Although Baballah was released, journalist Slim Boukhdhir remains in prison (Ref A), perhaps as a reminder to Tunisian journalists about the potential consequences of criticizing the president or his extended family. Baballah could also be benefiting from his decision not to pursue the appeals process to the end, but rather to lobby the GOT internally for clemency. Alternatively, Boukhdhir chose to pursue the appeals process, and on April 3 Tunisia's highest appeals court upheld his one-year prison sentence. Boukhdhir's continued imprisonment serves as a subtle signal to imprisoned activists that they stand a better chance of being released by turning to the GOT, rather than publicly challenging the government through the judicial system. End Comment.
GODEC